



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: September 25, 2018

DATE: August 22, 2018

TO: Board of County Commissioners

FROM: Trevor Lloyd, Planning Manager, Planning and Building Division, Community Services Department, 328-3617, tlloyd@washoecounty.us

THROUGH: Mojra Hauenstein, Architect, AICP Planner, LEED AP, Director of Planning and Building, 328-3619, mahuenstein@washoecounty.us

SUBJECT: Public hearing: Appeal of the Washoe County Board of Adjustment's approval of Variance Case Number WPVAR18-0004 (Eekhoff Residence). The project includes a variance 1) to reduce the eastern front yard setback from 30 feet to 20 feet, 2) to reduce the western front yard setback from 30 feet to 20 feet and 3) to reduce the northern side yard setback from 15 feet to 8 feet. The setback reductions are needed to bring a home into conformance with Washoe County Code requirements. The home has already been issued a building permit by Washoe County and is currently under construction.

The Board of County Commissioners may affirm, reverse, or modify the decision of the Board of Adjustment.

The appellant is the Deane S. Shaver 1996 Trust and the applicants and property owners are Todd and Marci Eekhoff. The address is 5545 E. Hidden Valley Drive. The Assessor's Parcel Number is 051-293-07. The Master Plan Category is Suburban Residential (SR) and the Regulatory Zone is Medium Density Suburban (MDS). The project is located within the Southeast Truckee Meadows Area and within the South Truckee Meadows/Washoe Valley Citizen Advisory Board boundary. The variance request comes under WCC Chapter 110, Article 804, Variances. (Commission District 2.)

SUMMARY

The appellant, Deane Shaver, has appealed the Board of Adjustment's (BOA) decision on August 2, 2018, to approve Variance Case Number WPVAR18-0004 for Todd and Marci Eekhoff.

AGENDA ITEM # _____

Washoe County Strategic Objective supported by this item: Stewardship of our Community.

PREVIOUS ACTION

On July 5, 2018, the variance was considered by the South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB). The STM/WV CAB took unanimous action to recommend approval of the variance.

On August 2, 2018, the variance was considered, in a public hearing, before the BOA. The BOA took action to approve the variance, with a vote of three in favor and one opposed.

BACKGROUND

The Washoe County Board of Adjustment approved the proposed variance based on the ability to make all of the findings required by Washoe County Code (WCC) Section 110.804.25. Please see the Board of Adjustment staff report, included as Attachment B, for discussion of each of these findings.

The need for this variance has come about due to an error on a set of building plans submitted by the applicant. In September, 2017, Washoe County issued a building permit for the construction of a residence placed 20 feet from the front yard property lines along both the east and the west property lines as well as 8 feet from the north side yard property line. The property has a regulatory zone of Medium Density Suburban (MDS) and the standard setbacks within the MDS regulatory zone is 20 feet from the front and rear and 8 feet on the sides. However, WCC Section 110.212.10(i), *Hidden Valley Community Area Modifiers – Setbacks*, requires the front yard setbacks to be 30 feet for front yards and 15 feet for side yards for parcels greater than .4 acres in size. The subject property is .58 acres in size, and is located within the Hidden Valley Community Area as depicted in WCC Map 110.212.10.1. Below is setback language per WCC Section 110.212.10(i).

Setbacks. Setbacks for the main structure on lots recorded prior to the effective date of this Ordinance (March 31, 2002) shall be thirty (30) feet for the front and twenty (20) feet for the rear yards. Lots with two (2) front yards shall maintain the setback for both front yards. Side yard setbacks for the main structure shall be eight (8) feet for parcels less than .4 acres and fifteen (15) feet for parcels more than .4 acres. Setbacks for structures on lots recorded after the effective date of this Ordinance (March 31, 2002) shall require the lots adjacent to developed lots to adhere to this setback standard.

The appellant owns the neighboring property immediately to the north and has expressed concerns that the use and enjoyment of his property is, and will continue to be negatively affected by considerable encroachments into the setbacks as well as the potential grading violations. The appellant also contends that the BOA based its decision solely upon hardship to the owner in violation of Washoe County Code Section 110.804.25, requiring a finding of special circumstances of the property. Additionally, the appellant states that all of the evidence showed that no such special circumstances of the property exist or ever existed, but the BOA found that hardship to the owner alone satisfied the requirement of special circumstances which is contrary to both an extraordinary and exceptional situation or condition of the property and exceptional and undue hardship

upon the owner. Also, the appellant states that the action order falsely states that the BOA found “exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location or surroundings” and undue hardship. Finally, the appellant contends that the BOA also abused its discretion by finding no detriment to the public and no special privilege. Please see the appeal application included as Attachment C for a complete discussion of the appellant’s concerns.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners affirm the decision of the Board of Adjustment and uphold the approval of Variance Case Number WPVAR18-0004 (Eekhoff Residence).

POSSIBLE MOTIONS

Should the Board agree with the Board of Adjustment’s approval of Variance Case Number WPVAR18-0004 (Eekhoff Residence), staff offers the following motion:

“Move to deny the appeal and affirm the approval of Variance Case Number WPVAR18-0004 (Eekhoff Residence). The approval is based upon the ability to make the findings required by WCC Section 110.804.25, *Findings*.

Should the Board disagree with the Board of Adjustment’s approval of Variance Case Number WPVAR18-0004 (Eekhoff Residence), staff offers the following motion:

“Move to approve the appeal and reverse the approval of Variance Case Number WPVAR18-0004 (Eekhoff Residence). The approval is based on the Board’s inability to make all four of the findings required by WCC Section 110.804.25, *Findings*.

Attachments:

Attachment A: Board of Adjustment Action Order dated 8/7/2018

Attachment B: Board of Adjustment Staff Report dated 7/13/2018

Attachment C: Appeal Application

Attachment D: Appeal Addendum

Attachment E: Board of Adjustment Minutes of 8/2/2018

Cc: Appellant: Deane S. Shaver 1996 Trust, c/o Todd A. Bader, Esq., 232 Court Street, Reno, NV 89501

Property Owner: Todd Eekhoff, 5705 Lone Horse Drive, Reno, NV 89502

Property Owner’s Representative: Frame Architecture, Inc. Attn: Jeff Frame 4090 South McCarran Blvd, Suite E Reno, NV 89502